IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1293 of 2006
In
Second Appeal Stamp No. 11288 of 2006

Shri Alex Duma Ludrik & ors. Applicants
Vs.
Smt.Farshibai Andreg Fargoz & ors. Respondents

Mr.G.S.Godbole with Mr.Amit Karkhanis for applicants.
Mr.R.S.Patil for resp.nos.6 to 18, 20 & 21.

CORAM: B.H.MARLAPALLE, J.

June 6, 2007.

P.C.

. Heard Mr.Godbole with Mr. Amit Karkhanis, the learned counsel for the applicants. This is an application for condonation of delay caused in filing Second Appeal under Stamp No.11288 of 2006 and as per the office note the said appeal is beyond time by 2 years and 84 days.

. Rule was granted on 31st August 2006 and almost all the respondents have been served, though none appears for respondent nos.1 to 5 and 19.

. It has been stated that the learned Advocate instructed by the appellants had already drafted the second appeal but his Clerk misplaced the papers and did not file the second appeal in time and every time

the appellants approached the learned Advocate, they were informed that the second appeal has been filed. They also stated that they are very poor persons and uneducated. The applicants should not be made to suffer and need not be deprived of the statutory remedy of second appeal for the reasons attributable to the learned Advocate's clerk.

. Hence the delay is condoned but subject to payment of costs quantified at Rs.500/- and to be remitted to the Maharashtra State Legal Services Authority within a period of two weeks from today.

. Let the second appeal be listed for admission on 2nd July 2007.

(B.H.MARL